

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

REBECCA D. SHOICKET,

Petitioner,

v.

WARDEN ALLEN DILLS,

Respondent.

:
:
:
:
:
:
:
:
:
:
:
:
:

Case No.: 3:22-cv-00094-CAR-CHW

**Proceedings Under 28 U.S.C. § 2254
Before the U.S. Magistrate Judge**

ORDER

Before the Court are Petitioner Rebecca Shoicket’s motion for extension of time to amend her habeas petition (Doc. 8) and a motion for voluntary dismissal of her habeas petition without prejudice, in which she seeks “to withdraw her petition, without prejudice, in order to exhaust all state remedies.” (Doc. 13). Respondent has requested more time to answer Petitioner’s petition, if required, but does not object to Petitioner’s motion to dismiss. (Doc. 15). Rule 41(a) of the Federal Rules of Civil Procedure provides that a plaintiff may voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves an answer. Fed. R. Civ. P. 41(a)(1)(A)(i). Respondent has not filed an answer. Accordingly, Petitioner is entitled to voluntary dismiss this action as of right.

Because Petitioner has amended her habeas petition (Doc. 10), her motion for extension of time to amend the petition (Doc. 8) is **DISMISSED as moot**. Petitioner’s motion to dismiss (Doc. 13) is **GRANTED**, and Respondent’s motion for extension of time

to answer (Doc. 15) is **DISMISSED as moot**. The Clerk of Court is therefore directed to **DISMISS** this action **without prejudice** pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

SO ORDERED, this 22nd day of December, 2022.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge